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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 17th August, 1972:—

BILL NO. 78 OF 1972

A Bill to provide for the protection of wild animals and birds and for matters connected therewith or ancillary or incidental thereto.

WHEREAS it is expedient to provide for the protection of wild animals and birds and for matters connected therewith or ancillary or incidental thereto;

AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Wild Life (Protection) Act, 1972. Short title extent and commencement

(2) It extends, in the first instance, to the whole of the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya

Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh and West Bengal and to all the Union territories; and it shall also extend to such other State as may adopt this Act by resolution passed in that behalf in pursuance of clause (1) of article 252 of the Constitution.

(3) It shall come into force in a State or Union territory to which it extends, or may become extended in future, on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "animal" includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs;

(2) "animal article" means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used;

(3) "big game" means any animal specified in Schedule III;

(4) "Board" means the Wild Life Advisory Board constituted under sub-section (1) of section 6;

(5) "captive animal" means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

(6) "cattle" includes buffaloes, bulls, bullocks, camels, cows, domestic elephants, donkeys, goats, horses, mules, pigs and sheep, and also includes their young;

(7) "Chief Wild Life Warden" means the person appointed as such under clause (a) of sub-section (1) of section 4;

(8) "closed area" means the area which is declared under sub-section (1) of section 37 to be closed to hunting;

(9) "Collector" means the chief officer in charge of the revenue administration of a district;

(10) "commencement of this Act", in relation to—

(a) a State, means commencement of this Act in that State,

(b) any provision of this Act, means the commencement of that provision in the concerned State;

(11) "dealer" means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncured trophy or meat;

(12) "Director" means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;

(13) "game reserve" means an area declared under section 36 to be a game reserve;

(14) "Government property" means any property referred to in section 39;

(*15*) "habitat" includes land, water or vegetation which is the natural home of any wild animal;

(*16*) "hunting", with its grammatical variations and cognate expressions, includes,

(*a*) capturing, killing, poisoning, snaring and trapping of any wild animal and every attempt to do so,

(*b*) driving any wild animal for any of the purposes specified in sub-clause (*a*),

(*c*) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

(*17*) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, and also includes boulders and rocks;

(*18*) "licence" means a licence granted under this Act;

(*19*) "manufacturer" means a manufacturer of animal articles;

(*20*) "meat" includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal, other than vermin;

(*21*) "National Park" means an area declared, whether under section 35 or section 38, or deemed, under sub-section (*3*) of section 66, to be declared, as a National Park;

(*22*) "notification" means a notification published in the Official Gazette;

(*23*) "permit" means a permit granted under this Act or any rule made thereunder;

(*24*) "person" includes a firm;

(*25*) "prescribed" means prescribed by rules made under this Act;

(*26*) "sanctuary" means an area declared, whether under section 18 or section 38, or deemed, under sub-section (*3*) of section 66, to be declared, as a wild life sanctuary;

(*27*) "small game" means any animal specified in Schedule IV;

(*28*) "special game" means any animal specified in Schedule II;

(*29*) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(*30*) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;

(*31*) "trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes—

(*a*) rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and

(*b*) antler, horn, rhinoceros horn, hair, feather, nail, tooth, musk, eggs and nests;

(*32*) "uncured trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a freshly killed wild animal;

(*33*) "vehicle" means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule;

(*34*) "vermin" means any wild animal specified in Schedule V;

(*35*) "weapon" includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;

(*36*) "wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V, wherever found;

(*37*) "wild life" includes any animal, bees, butterflies, crustacea, fish and moths; and aquatic or land vegetation which forms part of any habitat;

(*38*) "Wild Life Warden" means the person appointed as such under clause (*b*) of sub-section (*1*) of section 4.

CHAPTER II

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

Appointment of Director and other officers.

3. (*1*) The Central Government may, for the purposes of this Act, appoint,—

(*a*) A Director of Wild Life Preservation;

(*b*) Assistant Directors of Wild Life Preservation; and

(*c*) such other officers and employees as may be necessary.

(*2*) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(*3*) The Assistant Directors of Wild Life Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

Appointment of Chief Wild Life Warden and other officers.

4. (*1*) The State Government may, for the purposes of this Act, appoint,—

(*a*) a Chief Wild Life Warden;

(*b*) Wild Life Wardens; and

(*c*) such other officers and employees as may be necessary.

(*2*) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wild Life Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(*3*) The Wild Life Warden and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

Power to delegate.

5. (*1*) The Director may, with the previous approval of the Central Government, by order in writing, delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(*2*) The Chief Wild Life Warden may, with the previous approval of the State Government, by order in writing, delegate all or any of his powers and duties under this Act, except those under clause (*a*) of sub-section (*1*) of section 11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(*3*) Subject to any general or special direction given or condition imposed by the Director or the Chief Wild Life Warden, any person, authorised by the Director or the Chief Wild Life Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

Constitution of Wild Life Advisory Board.

6. (*1*) The State Government, or, in the case of a Union territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wild Life Advisory Board consisting of the following members, namely:—

(*a*) the Minister in charge of forests in the State or Union territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government of the Union territory, who shall be the Chairman;

(*b*) two members of the State Legislature or, in the case of a Union territory having a Legislature, two members of the Legislature of the Union territory, as the case may be;

(*c*) Secretary to the State Government, or the Government of the Union territory, in charge of forests;

(*d*) Chief Conservator of Forests, *ex officio;*

(*e*) an officer to be nominated by the Director;

(*f*) Chief Wild Life Warden, *ex officio;*

(*g*) such other officers and non-officials, not exceeding fifteen, who, in the opinion of the State Government, are interested in the protection of wild life.

(*2*) The State Government shall appoint one of the members of the Board as the Secretary thereof.

(*3*) The term of office of the members of the Board referred to in clause (*g*) of sub-section (*1*) and the manner of filling vacancies among them shall be such as may be prescribed.

(*4*) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

Procedure to be followed by the Board.

7. (*1*) The Board shall meet at least twice a year at such place as the State Government may direct.

(*2*) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

Duties of Wild Life Advisory Board.

8. It shall be the duty of the Wild Life Advisory Board to advise the State Government,—

(a) in the selection of areas to be declared as sanctuaries, National Parks, game reserves and closed areas and the administration thereof;

(b) in formulation of the policy in granting licences and permits under this Act;

(c) in any matter relating to the amendment of any Schedule; and

(d) in any other matter connected with the protection of wild life, which may be referred to it by the State Government.

CHAPTER III

HUNTING OF WILD ANIMALS

Hunting of wild animals.

9. (1) No person shall hunt any wild animal specified in Schedule I.

(2) No person shall hunt any wild animal specified in Schedule II, Schedule III, or Schedule IV, except under, and in accordance with, the conditions specified in a licence granted under sub-section (5).

(3) Any person desiring to obtain a licence under sub-section (2), shall apply, in such form, and on payment of such fee, as may be prescribed, to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf (hereinafter referred to as the authorised officer).

(4) An application under sub-section (3) may be made for all or any of the following kinds of licences, namely:—

(a) Special game hunting licence.

(b) Big game hunting licence.

(c) Small game hunting licence.

(d) Wild animal trapping licence:

Provided that any such licence may be restricted to the hunting or trapping of such animal as may be specified therein.

(5) On receipt of an application under sub-section (3), the Chief Wild Life Warden or the authorised officer may, after making such inquiry as he may think fit with regard to the fitness or otherwise of the applicant to receive the licence, grant or refuse to grant such licence after recording in writing his reasons for such grant or refusal; and when the grant of a licence is refused, the fee paid therefor shall be refunded to the applicant.

(6) A licence granted under this section shall—

(a) be in such form as may be prescribed;

(b) be valid for such period as may be specified therein;

(c) be subject to such terms, conditions and restrictions as may be prescribed;

(d) not be transferable.

Maintenance of records of wild animals killed or captured.

10. (*1*) The holder of every licence shall maintain a record, containing such particulars as may be prescribed, of the wild animals, other than vermin, killed or captured by him during the currency of the licence.

(*2*) When any animal specified in Schedule II or Schedule III is killed, wounded, or captured by the holder of a licence, he shall, not later than fifteen days from the date of such killing, wounding or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wild Life Warden or the authorised officer, the prescribed particulars of such animal killed, wounded or captured by him.

(*3*) The holder of every licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (*1*) and the licence to the Chief Wild Life Warden or the authorised officer, and shall sign a declaration, in the prescribed form certifying the accuracy of the records maintained by him under sub-section (*1*).

11. (*1*) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,—

Hunting of animals to be permitted in certain cases

(*a*) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted;

(*b*) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(*2*) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence:

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(*3*) Any wild animal killed or wounded in defence of any person shall be Government property.

Grant of permit for special purposes.

12. Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant, with the previous permission of the State Government, a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed. which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,—

(*a*) education;

(*b*) scientific research; or

(*c*) collection of specimens for zoological gardens, museums and similar institutions.

Suspension or cancellation of licence.

13. The Chief Wild Life Warden or the authorised officer may, subject to any general or special orders of the State Government, for good and sufficient reason, to be recorded in writing, suspend or cancel any licence granted under this Chapter:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

Appeals.

14. (*1*) An appeal from an order refusing to grant a licence under section 9, or an order suspending or cancelling a licence under section 13, shall lie,—

(*a*) if the order is made by the authorised officer, to the Chief Wild Life Warden, or

(*b*) if the order is made by the Chief Wild Life Warden, to the State Government.

(*2*) In the case of an order passed in appeal by the Chief Wild Life Warden under sub-section (*1*), a second appeal shall lie to the State Government.

(*3*) Subject as aforesaid, every order passed in appeal under this section shall be final.

(*4*) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against:

Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Hunting of young and female of wild animals.

15. No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.

Declaration of closed time.

16. (*1*) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

Restrictions on hunting

(*2*) The provisions of sub-section (*1*) shall not apply to vermin unless otherwise specified by the State Government in this behalf.

17. (*1*) No person shall—

(*a*) hunt any wild animal, from or by means of, a wheeled or a mechanically propelled vehicle on water or land, or by aircraft;

(*b*) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;

(*c*) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisons, poisoned-weapons, snares or traps, except in so far as they relate to the capture of wild animals under a Wild Animal Trapping Licence;

(*d*) hunt any special game or big game other than with a rifle, unless specially authorised by the licence to hunt with a shot-gun using single-slug bullets;

(*e*) for the purpose of hunting, set fire to any vegetation;

(*f*) use any artificial light for the purpose of hunting, except when specially authorised to do so under a licence in the case of carnivora over a kill;

(*g*) hunt any wild animal during the hours of night, that is to say, between sun-set and sun-rise, except when specially authorised to do so under a licence in the case of carnivora over a kill;

(*h*) hunt any wild animal on a salt-lick or water hole or other drinking place or on path or approach to the same, except sand-grouse and water-birds;

(*i*) hunt any wild animal on any land not owned by Government, without the consent of the owner or his agent or the lawful occupier of such land;

(*j*) notwithstanding that he holds a licence for the purpose hunt any wild animal during the closed time referred to in section 16

(*k*) hunt, with the help of dogs, any wild animal except water-bird, chakor, partridge or quail.

(*2*) The provisions of sub-section (*1*) shall not apply to vermin.

CHAPTER IV

SANCTUARIES, NATIONAL PARKS, GAME RESERVES AND CLOSED AREAS

Sanctuaries

Declaration of sanctuary.

18. (*1*) The State Government may, by notification, declare any area to be a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.

(*2*) The notification referred to in sub-section (*1*) shall specify, as nearly as possible, the situation and limits of such area.

Explanation.—For the purposes of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Collector to determine rights.

19. Whenever any area is declared to be a sanctuary, the Collector shall inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

Bar of accrual of rights.

20. After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

Proclamation by Collector.

21. When a notification has been issued under section 18, the Collector shall publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the sanctuary; and

(*b*) requiring any person, claiming any right mentioned in section 19, to prefer before the Collector, within two months from the

date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof.

Inquiry by Collector.

22. The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into—

(*a*) the claim preferred before him under clause (*b*) of section 21, and

(*b*) the existence of any right mentioned in section 19 and not claimed under clause (*b*) of section 21,

so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

Powers of Collector.

23. For the purpose of such inquiry, the Collector may exercise the following powers, namely:—

(*a*) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;

(*b*) the same powers as are vested in a civil court for the trial of suits.

Acquisition of rights.

24. (*1*) In the case of a claim to a right in or over any land referred to in section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Collector may either—

(*a*) exclude such land from the limits of the proposed sanctuary, or

(*b*) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Land Acquisition Act, 1894. 1 of 1894.

Acquisition proceedings.

25. (*1*) For the purpose of acquiring such land, or rights in or over such land,—

(*a*) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894; 1 of 1894.

(*b*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the sections, preceding section 9 of that Act, shall be deemed to have been complied with;

(*d*) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of section 18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;

(e) the Collector, with the consent of the claimant, or the court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and

(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

Delegation of Collector's powers.

26. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

Restriction on entry in sanctuary.

27. (1) No person other than,—

(a) a public servant on duty,

(b) a person who ordinarily resides within the limits of the sanctuary,

(c) a person who has any right over immovable property within the limits of the sanctuary,

(d) a person passing through the sanctuary along a public highway, and

(e) the dependants of the person referred to in clause (a), clause (b) or clause (c),

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

(2) Every person shall, so long as he resides in the sanctuary, be bound—

(a) to prevent the commission, in the sanctuary, of an offence against this Act;

(b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;

(c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorised officer takes charge thereof;

(d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading, by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and

(e) to assist any forest officer, Chief Wild Life Warden, Wild Life Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigaton of any such offence.

Grant of permit.

28. (*1*) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:—

(*a*) investigation or study of wild life and purposes ancillary or incidental thereto;

(*b*) photography;

(*c*) scientific research;

(*d*) tourism;

(*e*) transaction of lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

Hunting in sanctuary without permit prohibited.

29. (*1*) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy, or meat derived from such animal:

Provided that if the Chief Wild Life Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed,—

(*a*) for the better protection of wild life, or

(*b*) for any other good and sufficient reason,

he may, with the previous approval of the State Government, grant a permit authorising any person to hunt or remove such wild animal under the direction of an officer authorised by him or cause it to be hunted or removed.

(*2*) A permit granted under sub-section (*1*) shall specify the kind and number of wild animals that may be hunted or removed by the holder of such permit.

(*3*) The Chief Wild Life Warden may, for good and sufficient reason, to be recorded in writing, cancel any permit granted under section 28 or under this section:

Provided that no such cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.

(*4*) Any person aggrieved by the cancellation of a permit under sub-section (*3*) may, within fifteen days from the date of such cancellation, appeal to the State Government, whose decision shall be final:

Provided that the State Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Causing fire prohibited.

30. No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

Prohibition of entry into sanctuary with weapon.

31. No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

Ban on use of injurious substances.

32. No person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wild life in such sanctuary.

Control of sanctuaries.

33. The Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,—

(*a*) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary;

(*b*) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein;

(*c*) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;

(*d*) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of cattle;

(*e*) may regulate, control or prohibit, any fishing.

Registration of certain persons in possession of arms.

54 of 1959.

34. (*1*) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959, for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee and within such time as may be prescribed, to the Chief Wild Life Warden or the authorised officer, for the registration of his name.

(*2*) On receipt of an application under sub-section (*1*), the Chief Wild Life Warden or the authorised officer shall register the name of the applicant in such manner as may be prescribed.

National Parks

Declaration of National Parks.

35. (*1*) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park.

(*2*) The notification referred to in sub-section (*1*) shall define the limits of the area which is intended to be declared as a National Park.

(*3*) Where any area is intended to be declared as a National Park, the provisions of sections 19 to 26 (both inclusive) shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(*4*) When the following events have occurred, namely,—

(*a*) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(*b*) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government,

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall destroy, exploit or remove any wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such National Park except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

(7) No grazing of any cattle shall be permitted in a National Park and no cattle shall be allowed to enter therein except where such cattle is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of section 33, and section 34 shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

Game Reserve

Declaration of game reserve.

36. (1) The State Government may, by notification, declare any area to be a game reserve.

(2) No hunting of any wild animal shall be permitted in such reserve except under and in accordance with a licence issued under this section by the Chief Wild Life Warden or the authorised officer.

Closed Area

Declaration of closed area.

37. (1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section (1).

Sanctuaries or National Parks declared by Central Government

Power of Central Government to declare areas as sanctuaries or National Parks.

38. (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a sanctuary, to the Central Government, the Central Government may, if it is satisfied that the conditions specified in section 18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of sections 19 to 35 (both inclusive), 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(2) The Central Government may, if it is satisfied that the conditions specified in section 35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area has been declared, to be a sanctuary by the Central Government or the State Government, declare such area, by notification, to be a National Park and the provisions of sections 35, 54 and 55 shall apply in relation to such National Park as they apply in relation to a National Park declared by the State Government.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections referred to in sub-sections (1) and (2), shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.

CHAPTER V

TRADE OR COMMERCE IN WILD ANIMALS, ANIMAL ARTICLES AND TROPHIES

Wild animals, etc., to be Government property.

39. (1) Every—

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or bred in captivity in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed without a licence or by mistake; and

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed,

shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat derived from such animal, shall be the property of the Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer—

(a) acquire or keep in his possession, custody or control, or

(b) transfer to any person, whether by way of gift, sale or otherwise, or

(c) destroy or damage,

such Government property.

Declarations.

40. (1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, or any uncured trophy derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive keep in his control, custody or possession, sell, offer for sale or

transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

(3) Nothing in sub-section (1) or sub-section (2) shall apply to a public museum or zoo.

(4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer any animal article or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed.

Inquiry and preparation of inventories.

41. (1) On receipt of a declaration made under section 40, the Chief Wild Life Warden or the authorised officer may, after such notice, in such manner and at such time, as may be prescribed,—

(a) enter upon the premises of a person referred to in section 40;

(b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon; and

(c) affix upon the animals, animal articles, trophies or uncured trophies identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

Certificate of ownership.

42. (1) The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

(2) Nothing in sub-section (1) shall apply in relation to vermin.

Regulation of transfer of animal, etc.

43. (1) Subject to the provisions of sub-section (2), sub-section (3) and sub-section (4), a person (other than a dealer) who does not possess a certificate of ownership shall not—

(a) sell or offer for sale or transfer whether by way of sale, gift or otherwise, any wild animal specified in Schedule I or Part II of Schedule II or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;

(b) make animal articles containing part or whole of such animal;

(c) put under a process of taxidermy an uncured trophy of such animal,

except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another State or acquire by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub section (1) except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is to be effected.

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wild Life Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer or transport of any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1), the Chief Wild Life Warden or the authorised officer—

(a) shall issue a certificate of ownership after such inquiry as he may deem fit;

(b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected;

(c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

(6) Nothing in this section shall apply—

(a) to animal articles or trophies made out of feathers of peacocks;

(b) to any transaction entered into by a public museum or zoo with any other public museum or zoo.

Dealings in trophy and animal articles without licence prohibited.

44. (1) Except under, and in accordance with, a licence granted under sub-section (4), no person shall—

(a) commence or carry on the business as—

(i) a manufacturer of or dealer in, any animal article; or

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer in captive animals; or

(v) a dealer in meat; or

(b) cook or serve meat in any eating-house:

Provided that nothing in this sub-section shall prevent a person, who, immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him:

Provided further that nothing in this sub-section shall apply to manufacturers of, and dealers in, articles made of ivory and feathers of peacocks.

Explanation.—For the purposes of this section, "eating-house" includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged for board and lodging.

(*2*) Every manufacturer of, or dealer in, animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wild Life Warden his stocks of animal articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such declaration and the Chief Wild Life Warden or the authorised officer may place an identification mark on every animal article, captive animal, trophy or uncured trophy, as the case may be.

(*3*) Every person referred to in sub-section (*1*) who intends to obtain a licence, shall, within fifteen days from the commencement of this Act, make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

(*4*) (*a*) Every application referred to in sub-section (*3*) shall be made in such form and on payment of such fee as may be prescribed, to the Chief Wild Life Warden or the authorised officer.

(*b*) No licence referred to in sub-section (*1*) shall be granted unless the Chief Wild Life Warden, or the authorised officer having regard to such matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.

(*5*) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

(*6*) Every licence granted under this section shall—

(*a*) be valid for one year from the date of its grant;

(*b*) not be transferable; and

(*c*) be renewable for a period not exceeding one year at a time.

(*7*) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wild Life Warden or the authorised officer is satisfied that—

(*i*) the application for such renewal has been made after the expiry of the period specified therefor, or

(*ii*) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars, or

(*iii*) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule made thereunder, or

(*iv*) the applicant does not fulfil the prescribed conditions.

(*8*) Every order granting or rejecting an application for the grant or renewal of a licence shall be made in writing.

(*9*) Nothing in the foregoing sub-sections shall apply in relation to vermin.

Suspension or cancellation of licences.

45. Subject to any general or special order of the State Government, the Chief Wild Life Warden or the authorised officer may, for reasons to be recorded by him in writing, suspend or cancel any licence granted or renewed under section 44:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

Appeal.

46. (*1*) An appeal from an order refusing to grant or renew a licence under section 44 or an order suspending or cancelling a licence under section 45 shall lie—

(*a*) if the order is made by the authorised officer, to the Chief Wild Life Warden; or

(*b*) if the order is made by the Chief Wild Life Warden, to the State Government.

(*2*) In the case of an order passed in appeal by the Chief Wild Life Warden under clause (*a*) of sub-section (*1*), a second appeal shall lie to the State Government.

(*3*) Subject as aforesaid, every order passed in appeal under this section shall be final.

(*4*) An appeal under this section shall be preferred within thirty days from the date of the communication, to the applicant, of the order appealed against:

Provided that the appellate authority may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Maintenance of records.

47. A licensee under this Chapter shall—

(*a*) keep records, and submit such returns of his dealings, as may be prescribed,—

(*i*) to the Director or any other officer authorised by him in this behalf, and

(*ii*) to the Chief Wild Life Warden or the authorised officer; and

(*b*) make such records available on demand for inspection by such officers.

Purchase of animal, etc., by licensee.

48. No licensee under this Chapter shall—

(*a*) keep in his control, custody or possession,—

(*i*) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (*2*) of section 44 has to be made but has not been made;

(*ii*) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

(*b*) (*i*) capture any wild animal, or

(*ii*) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or Part II of Schedule II or any animal article, trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal, except in accordance with such rules as may be made under this Act:

Provided that where the acquisition or, possession, control or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf:

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

Purchase of captive animal, etc., by a person other than a licensee.

49. No person shall purchase, or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act:

Provided that nothing in this section shall apply to any transaction entered into by a public museum or zoo with any other public museum or zoo.

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

Power of entry search, arrest and detention.

50. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector, may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or uncured trophy in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;

(*b*) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;

(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy in the possession of any person and appearing to him to be Government property, together with any trap, tool, vehicle, vessel or weapon used for committing any such offence, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him.

(2) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or Wild Life Warden, who, or whose subordinate, has seized any trap, tool, vehicle, vessel or weapon under clause (c) of sub-section (1), may release the same, on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.

(5) Any person who, without reasonable cause, fails to produce anything, which he is required to produce under this section, shall be guilty of an offence against this Act.

(6) (a) Where any meat or uncured trophy is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.

(b) Where it is proved that the meat or uncured trophy seized under the provisions of this section is not Government property, the proceeds of the sale shall be returned to the owner.

(7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with clause (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

Penalties.

51. (1) Any person who contravenes any provision of this Act or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both:

Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than six months but may extend to six years and also with fine which shall not be less than five hundred rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in the foregoing proviso, the term of imprisonment shall not be less than one year and the amount of the fine shall not be less than one thousand rupees.

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, uncured trophy or meat in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the Court may direct that the licence, if any, granted to such person under the Arms Act, 1959, for possession of any arm with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction. 54 of 1959.

Attempts and abetment.

52. Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

Punishment for wrongful seizure.

53. If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to compound offences.

54. (1) The State Government may, by notification, empower the Chief Wild Life Warden or any officer of a rank not inferior to that of a Deputy Conservator of Forests,—

(a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed; and

(b) when any property has been seized as liable to be forfeited, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, and the property, other than Government property, if any, seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under clause (b) of sub-section (1) shall, in no case, exceed the sum of two thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of section 51, shall be compounded.

Cognizance of offences.

55. No court shall take cognizance of any offence against this Act except on the complaint of the Chief Wild Life Warden or the authorised officer.

Operation of other laws not barred.

56. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:

Provided that no person shall be punished twice for the same offence.

Presumption to be made in certain cases.

57. Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy or uncured trophy, it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy or uncured trophy.

Offences by companies.

58. (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

CHAPTER VII

MISCELLANEOUS

Officers to be public servants.

59. Every officer referred to in Chapter II and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860

Protection of action taken in good faith.

60. (*1*) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(*2*) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Power to alter entries in Schedules.

61. (*1*) The Central Government may, if it is of opinion that it is expedient so to do, by notification, add any entry to any Schedule or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

(*2*) The State Government may, if it is of opinion that it is expedient so to do, by notification, transfer any entry from Schedule II, Schedule III, Schedule IV or Schedule V to Schedule I and may also transfer any entry from Part I of Schedule II, or Schedule III, Schedule IV or Schedule V, to any other Schedule.

(*3*) On the issue of a notification under sub-section (*1*) or sub-section (*2*), the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

(*4*) If any alteration of any Schedule made by the State Government under sub-section (*2*) is repugnant to any alteration made therein by the Central Government under sub-section (*1*), then, the alteration made by the Central Government, whether made before or after the notification made by the State Government, shall prevail and the alteration made by the State Government shall, to the extent of the repugnancy, be void:

Provided that any such alteration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State:

Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or cancelling, at any time, the alteration made by the State Government.

Declaration of certain wild animals to be vermin.

62. Notwithstanding anything contained in sub-section (2) of section 61, the State Government may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

Power of Central Government to make rules.

63. (1) The Central Government may, by notification, make rules for all or any of the following, namely:—

(a) the form in which declaration shall be made under sub-section (2) of section 44;

(b) the terms and conditions which shall govern transactions referred to in clause (b) of section 48;

(c) matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

64. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of section 63.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office of the members of the Board referred to in clause (g) of sub-section (1) of section 6 and the manner of filling vacancies among them;

(b) allowances referred to in sub-section (4) of section 6;

(c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return or other document, made, granted, or submitted under the provisions of this Act and the fees, if any, therefor;

(d) the conditions subject to which any licence or permit may be granted under this Act;

(e) the particulars of the record of wild animals (captured or killed) to be kept and submitted by the licensee;

(f) regulation of the possession, transfer and the sale of captive animals, meat, animal articles, trophies and uncured trophies;

(g) regulation of taxidermy;

(*h*) any other matter which has to be, or may be, prescribed under this Act.

Rights of Scheduled Tribes to be protected.

65. Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, No. 40/67/F, No. G635 Vol. III, dated the 28th April, 1967, published at pages 1 to 5 of the Extraordinary issue of the Andaman and Nicobar Gazette, dated the 28th April, 1967.

Repeal and savings.

66. (*1*) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed:

Provided that such repeal shall not,—

(*i*) affect the previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(*ii*) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(*iii*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(*iv*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal,—

(*a*) anything done or any action taken under the Act so repealed (including any notification, order, certificate, notice or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at the time such thing was done or action was taken, and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act;

(*b*) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such licence had been granted.

(*3*) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (*1*) shall be deemed to be a sanctuary or National Park, as the case may be, declared by the State Government under this Act and where any right in or over any land in any such National Park which had not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights shall be made in accordance with the provisions of this Act.

SCHEDULE I

(*See* sections 2, 8, 9, 11, 40, 41, 43, 48, 51, 61 and 62)

PART I : MAMMALS

1. Binturong (*Arctictis binturong*).
2. Black buck (*Antelope cervicapra*).
3. Brow-antlered deer or Thamin (*Cervus eldi*).
4. Caracal (*Felis caracal*).
5. Cheetah (*Acinonyx jubatus*).
6. Clouded leopard (*Neofelis nebulosa*).
7. Dugong (*Dugong dugon*).
8. Fishing cat (*Felis viverrina*).
9. Golden cat (*Felis temmincki*).
10. Golden langur (*Presbytis geei*).
11. Hispid hare (*Caprolagus hispidus*).
12. Hoolock (*Hylobates hoolock*).
13. Indian lion (*Panthera leo persica*).
14. Indian Wild Ass (*Equus hemionus khur*).
15. Indian Wolf (*Canis lupus*).
16. Kashmir Stag (*Cervus elaphus hanglu*).
17. Leopard cat (*Felis bengalensis*).
18. Lesser or Red panda (*Ailurus fulgens*).
19. Lion-tailed macaque (*Macaca silenus*).
20. Loris (*Loris tardigradus*).
21. Lynx (*Felis lynx isabellinus*).
22. Malabar Civet (*Viverra megaspila*).
23. Marbled cat (*Felis marmorata*).
24. Markhor (*Capra falconeri*).
25. Musk deer (*Moschus moschiferus*).
26. Ovis Ammon or Nyan (*Ovis ammon hodgsoni*).
27. Pallas's cat (*Felis manul*).
28. Pangolin (*Manis crassicaudata*).
29. Pygmy hog (*Sus salvanius*).
30. Rhinoceros (*Rhinoceros unicornis*).
31. Rusty spotted cat (*Felis rubiginosa*).
32. Slow Loris (*Nycticebus coucang*).
33. Snow leopard (*Panthera uncia*).
34. Spotted linsang (*Prionodon pardicolor*).
35. Swamp deer (all sub-species of *Cervus duvauceli*).

36. Takin or Mishmi Takin (*Budorcas taxicolor*).
37. Tibetan Gazelle (*Procapra picticaudata*).
38. Tibetan Wild Ass (*Equus hemionus kiang*).
39. Tiger (*Panthera tigris*).
40. Urial or Shapu (*Ovis vignei*).
41. Wild buffalo (*Bubalus bubalis*).

PART II : AMPHIBIANS AND REPTILES

1. Crocodiles (including the Estuarne or salt water crocodile) (*Crocodilus porosus* and *Crocodilus palustris*).
2. Gharial (*Gavialis gangeticus*).

PART III : BIRDS

1. Bazas (*Aviceda jeordoni* and *Aviceda leuphotes*).
2. Cheer Pheasant (*Catreus wallichii*).
3. Great Indian Bustard (*Choriotis nigriceps*)
4. Great Indian Hornbill (*Buceros bicornis*).
5. Jerdon's Courser (*Cursorius bitorquatus*).
6. Lammergeier (*Gypaetus barbatus*).
7. Large Falcons (*Falco peregrinus, Falco biarmicus* and *Falco chicquera*).
8. Mountain Quail (*Ophrysia superciliosa*).
9. Narcondom Hornbill [*Rhyticeros (undulatus) narcondami*].
10. Nicobar Megapode (*Megapodius freycinet*).
11. Peafowl (*Pavo cristatus*).
12. Pinkheaded duck (*Rhodonessa caryophyllacea*).
13. Sclater's Monal (*Lophophorus sclateri*).
14. Siberian White crane (*Grus leucogeranus*).
15. Tragopan Pheasants (*Tragopan melanocephalus, Tragopan blythii, Tragopan satyra, Tragopan temmincki*).
16. Whitebellied Sea Eagle (*Haliaetus leucogaster*).
17. White-eared Pheasant (*Crossoptilon crossoptilon*).
18. White-winged Wood Duck (*Cairina Scutulata*).

SCHEDULE II

(*See* sections 2, 8, 9, 10, 11, 40, 41, 43, 48, 51, 61 and 62)

SPECIAL GAME

PART I

1. Agra Monitor Lizard [*Varanus griseus* (*Daudin*)].
2. Bengal Porcupine (*Atherurus macrourus assamensis*).
3. Bison or Gaur (*Bos gaurus*).
4. Capped Langur (*Presbytis pileatus*).
5. Crab-eating Macaque (*Macaca irus umbrosa*).
6. Dolphins (*Dolphinus delphis, Platanista gangetica*).
7. Ferret Badgers (*Melogale moschata* and *Melogale personata*).
8. Flying squirrels (All species of the genus *Hylopetes, Petaurista, Belomys* and *Eupetaurus*).
9. Giant squirrels (*Ratufa macroura, Rafuta indica* and *Ratufa bicolor*).
10. Himalayan Brown bear (*Ursus arctos*).
11. Himalayan crestless Porcupine (*Hystrix hodgsoni*).
12. Hog badger (*Arctonyx collaris*).
13. Indian elephant (*Elephas maximus*).
14. Leaf Monkey (*Presbytis phayrei*).
15. Malay or Sun bear (*Helarctos malayanus*).
16. Pig-tailed Macaque (*Macaca nemestrina*).
17. Pythons (*Genus Python*).
18. Serow (*Capricornis sumatraensis*).
19. Stump-tailed Macaque (*Macaca speciosa*).
20. Tibetan Antelope or Chiru (*Panthelops hodgsoni*).
21. Water Lizard (*Varanus salvator*).
22. Wild Dog or Dhole (*Cuon alpinus*).
23. Wild yak (*Bos grunniens*).

PART II

1. Leopard or Panther (*Panthera pardus*).
2. Nilgiri langur (*Presbytis johni*).
3. Nilgiri Thar (*Hemitragus hylocrius*).

SCHEDULE III

(*See* sections 2, 8, 9, 10, 11 and 61)

BIG GAME

1. Andaman Wild Pig (*Sus andamanensis*).
2. Barking deer or Muntjac (*Muntiacus muntjak*).
3. Bharal (*Ovis nahura*).
4. Chinkara or Indian Gazelle (*Gazella gazella bennetti*).
5. Chital (*Axis axis*).
6. Four-horned antelope (*Tetraceros quadricornis*).
7. Gorals (*Nemorhaedus goral, Nemorhaedus hodgsoni*).
8. Himalayan black bear (*Selenarctos thibetanus*).
9. Himalayan Ibex (*Capra ibex*).
10. Himalayan thar (*Hemitragus jemlahicus*).
11. Hog deer (*Axis porcinus*).
12. Hyaena (*Hyaena hyaena*).
13. Mouse deer (*Tragulus meminna*).
14. Nilgai (*Boselaphus tragocamelus*).
15. Ratel (*Mellivora capensis*).
16. Sambar (*Cervus unicolor*).
17. Sloth bear (*Melursus ursinus*).
18. Tibetan wolf (*Canis lupus*).
19. Wild pig (*Sus scrofa*).

SCHEDULE IV

(*See* sections 2, 8, 9, 11 and 61)

SMALL GAME

1. Desert cat (*Felis libyca*).
2. Desert fox (*Vulpes bucopus*).
3. Ermine (*Mustela erminea*).
4. Hares (*Black naped, Common Indian, Desert, Himalayan Mouse-hare*).
5. Marmots (*Marmota bobak himalayana, Marmota Caudata*).
6. Martens (*Martes foina intermedia, Martes flavigula, Martes gwatkinsii*).
7. Otters (*Lutra lutra, Lutra perspicillata, Aonyx cinerea*).
8. Red fox (*Vulpes vulpes*).
9. Tibetan fox (*Vulpes ferrilatus*).
10. Weasels (*Mustela sibirica, Mustela kathiah* and *Mustela altaica*).
11. Birds (other than those sub-species and species mentioned in Part III of Schedule I or in Schedule V, and belonging to the families listed below:—
 - (*i*) Barbets (*Capitonidae*).
 - (*ii*) Barn Owls (*Tytoninae*).
 - (*iii*) Blue-birds (*Irenidae*).
 - (*iv*) Bustards (*Otididae*).
 - (*v*) Bustard-Quail (*Turnicidae*).
 - (*vi*) Chaffinches (*Fringillinae*).
 - (*vii*) Cranes (*Gruidae*).
 - (*viii*) Ducks (*Anatidae*).
 - (*ix*) Emerald Dove (*Columbidae*).
 - (*x*) Falcons (*Falconidae*).
 - (*xi*) Finches (*Fringillidae*).
 - (*xii*) Flamingoes (*Phoenicopteridae*).
 - (*xiii*) Flycatchers (*Muscicapidae*).
 - (*xiv*) Geese (*Anatidae*).
 - (*xv*) Goldfinches and allies (*Carduelinae*).
 - (*xvi*) Grouse (*Pteroclididae*).
 - (*xvii*) Hawks (*Accipitridae*).
 - (*xviii*) Hornbills (*Bucerotidae*).
 - (*xix*) Ioras (*Irenidae*).
 - (*xx*) Jungle and Spur fowl (*Phasianidae*).
 - (*xxi*) Megapodes (*Megapodiidae*).
 - (*xxii*) Minivets (*Campephagidae*).
 - (*xxiii*) Orioles (*Oriolidae*).
 - (*xxiv*) Owls (*Strigidae*).

(*xxv*) Oystercatchers (*Haematopodidae*).

(*xxvi*) Partridges (*Phasianidae*).

(*xxvii*) Pelicans (*Pelecanidae*).

(*xxviii*) Pheasants (*Phasianidae*).

(*xxix*) Pigeons (except Blue Rock pigeon) (*Columbidae*).

(*xxx*) Pittas (*Pittidae*).

(*xxxi*) Quail (*Phasianidae*).

(*xxxii*) Snipe (*Charadriidae*).

(*xxxiii*) Sunbirds (*Nectariniidae*).

(*xxxiv*) Swans (*Anatidae*).

(*xxxv*) Thrushes (*Muscicapidae*).

(*xxxvi*) Trogons (*Trogonidae*).

SCHEDULE V

(*See* section 2, 8, 61 and 62)

VERMIN

1. Bandicoots.
2. Common crow.
3. Common fox.
4. Fruit bats.
5. Jackal.
6. Mice.
7. Parakeets.
8. Rats.
9. Voles.

STATEMENT OF OBJECTS AND REASONS

The rapid decline of India's wild animals and birds, one of the richest and most varied in the world, has been a cause of grave concern. Some wild animals and birds have already become extinct in this country and others are in the danger of being so. Areas which were once teeming with wild life have become devoid of it and even in sanctuaries and National Parks the protection afforded to wild life needs to be improved. The Wild Birds and Animals Protection Act, 1912 (8 of 1912), has become completely outmoded. The existing State laws are not only out-dated but provide punishments which are not commensurate with the offence and the financial benefits which accrue from poaching and trade in wild life produce. Further, such laws mainly relate to control of hunting and do not emphasise the other factors which are also prime reasons for the decline of India's wild life, namely, taxidermy and trade in wild life and products derived therefrom.

2. Having considered the relevant local provisions existing in the States, the Government came to the conclusion that these are neither adequate nor satisfactory. There is, therefore, an urgent need for introducing a comprehensive legislation, which would provide for the protection of wild animals and birds and for all matters connected therewith or ancillary and incidental thereto.

3. Legislation in respect of the aforesaid subject-matter is relatable to entry 20 of the State List in the Seventh Schedule to the Constitution, namely, protection of wild animals and birds, and Parliament has no power to make a law in this regard applicable to the State (apart from the provisions of articles 249 and 250 of the Constitution) unless the Legislatures of two or more States pass a resolution in pursuance of article 252 of the Constitution empowering Parliament to pass the necessary legislation on the subject. The Legislatures of the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Himacal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh and West Bengal have passed such resolutions.

4. The Bill seeks to—

(a) constitute a Wild Life Advisory Board for each State;

(b) regulate hunting of wild animals and birds;

(c) lay down the procedure for declaring areas as sanctuaries, National Parks, etc.;

(d) regulate possession, acquisition or transfer of, or trade in, wild animals, animal articles and trophies and taxidermy thereof;

(e) provide penalties for contravention of the Act.

NEW DELHI; FAKHRUDDIN ALI AHMED.

The 7th August, 1972.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the Central Government to appoint a Director of Wild Life Preservation, a number of Assistant Directors of Wild Life Preservation and such other officers and staff as may be necessary to carry out the purposes contemplated in the Bill. The recurring expenditure from the Consolidated Fund of India which may be involved by reason of such appointment is likely to be of the order of rupees two lakhs per year. The non-recurring expenditure from the Consolidated Fund of India is likely to be of the order of Rs. 1.60 lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 63 of the Bill empowers the Central Government to make rules for the purpose of giving effect to the provisions of the Bill in respect of matters falling within the purview of this clause.

Likewise, clause 64 empowers the State Governments to make rules for carrying out the provisions of the Bill in respect of matters not being those falling within the purview of clause 63.

These matters relate to procedure, administrative details and it is not practicable to provide them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 79 OF 1972

A Bill to amend the Seeds Act, 1966.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Seeds (Amendment) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 1966.

Amendment of section 2.

2. In section 2 of the Seeds Act, 1966 (hereinafter referred to as the principal Act), in clause (*11*), after sub-clause (*iii*), the following sub-clause shall be inserted, namely:—

"(*iv*) jute seeds,".

Insertion of new sections 8A to 8E.

3. After section 8 of the principal Act, the following sections shall be inserted, namely:—

The Central Seed Certification Board.

"8A. (*1*) The Central Government shall, by notification in the Official Gazette, establish a Central Seed Certification Board (hereinafter referred to as the Board) to advise the Central Government and the State Governments on all matters relating to certification,

and to co-ordinate the functioning of the agencies established under section 8.

(2) The Board shall consist of the following members, namely:—

(*i*) a Chairman, to be nominated by the Central Government;

(*ii*) four members, to be nominated by the Central Government from out of the persons employed by the State Governments as Directors of Agriculture;

(*iii*) three members, to be nominated by the Central Government from out of the persons employed by the Agricultural Universities as Directors of Research;

(*iv*) thirteen persons, to be nominated by the Central Government to represent such interests as that Government thinks fit, of whom not less than four persons shall be representatives of seed producers or tradesmen.

(3) A member of the Board shall, unless his seat becomes vacant earlier by resignation or otherwise, be entitled to hold office for two years from the date of his nomination:

Provided that a person nominated under clause (*ii*) or clause (*iii*) of sub-section (2) shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

Other Committees.

8B. The Board may appoint as many Committees as it deems fit consisting wholly of the members of the Board or wholly of other persons or partly of members of the Board and partly of other persons as it thinks fit to exercise such powers and perform such duties as may be delegated to them, subject to such conditions as it may think fit, by the Board.

Proceedings of Board or Committee not to be invalid by reason of any vacancy therein.

8C. No proceeding of the Board or any Committee thereof shall become invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof.

Procedure for Board.

8D. The Board may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the procedure of any Committee thereof and the conduct of all business to be transacted by it or such Committee.

Secretary and other officers.

8E. The Central Government shall—

(*i*) appoint a person to be the Secretary of the Board, and

(*ii*) provide the Board with such technical and other staff as the Central Government considers necessary.".

4. In section 9 of the principal Act,— Amendment of section 9.

(*i*) in sub-section (*3*), for the words, brackets, letter and figure "minimum limits of germination and purity specified for that seed under clause (*a*) of section 6", the words "prescribed standards" shall be substituted;

(*ii*) to sub-section (*3*), the following proviso shall be added, namely:—

"Provided that such standards shall not be lower than the minimum limits of germination and purity specified for that seed under clause (*a*) of section 6.".

5. In section 25 of the principal Act,— Amendment of section 25.

(*a*) in sub-section (*2*), after clause (*f*), the following clause shall be inserted, namely:—

"(*ff*) the standards to which seeds should conform;";

(*b*) in sub-section (*3*), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Seeds Act, 1966 (54 of 1966) seeks to enable the availability of seeds of very high standards of purity and germination through certification. In order to ensure that uniform standards of certification are provided, it is proposed to set up, as recommended by the Central Seed Committee, a Central Seed Certification Board consisting of representatives of the Central Government, State Governments, Agricultural Universities and other interests to advise the Central Government and the State Governments on all matters relating to certification of the standards of purity and germination of seeds and co-ordinate the functioning of the State Certification agencies established under section 8.

Section 6 of the Act provides for specifying minimum standards of germination and purity with respect to any seed of any notified kind or variety. However, section 9 of the Act which enables the certification of seed, does not provide for fixation of standards of purity and germination higher than those mentioned under section 6 of the Act. The Bill seeks to remove this lacuna by enabling the fixation of higher standards of germination and purity for seeds being brought up for certification.

Opportunity has also been taken to include jute seeds within the purview of the Act since jute is a very important crop.

It is also proposed to amend sub-section (3) of section 25 of the Act which relates to laying of the rules before each House of Parliament for bringing it into conformity with the latest pattern:

NEW DELHI;
The 3rd August, 1972.

FAKHRUDDIN ALI AHMED.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the Central Government to establish a Central Seed Certification Board to advise the Central Government and the State Governments on all matters relating to certification and to co-ordinate the functioning of the State Seed Certification agencies established under section 8 of the Seeds Act, 1966. It also empowers the Central Government to appoint a Secretary to the Board and to provide the Board with technical and ministerial assistance. This is likely to involve a recurring expenditure not exceeding Rs. 46,000 per annum.

The Bill does not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5(a) of the Bill which seeks to insert clause (ff) in sub-section (2) of section 25 of the Act empowers the Central Government to make rules for laying down the standards to which seeds should conform.

2. The matters in respect of which such rules may be made are generally matters of procedure and administrative detail. The delegation of the legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary.

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